

## **Informal Working Draft and Request for Informal Comments on the All-Payor Claims Database Rule**

Texas Administrative Code, Title 28, Chapter 21, new Subchapter TT.

Posting date: November 12, 2021

Comments due: December 12, 2021

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The Texas Department of Insurance (TDI) has prepared an [informal working draft](#) of a rule concerning the creation of a statewide all-payor claims database (APCD) under Insurance Code Chapter 38, Subchapter I, as added by [House Bill 2090](#), 87th Legislature, 2021.

HB 2090 provides for the creation of an APCD to be developed and administered by the Center for Healthcare Data at the University of Texas Health Science Center at Houston (UTHSC). The database is designed to increase public transparency of health care information and improve the quality of health care in this state, while being advised by a stakeholder advisory group concerning issues related to data collection, reporting, evaluating data requests, and recommendations to improve health care in this state.

HB 2090 requires TDI to work with UTHSC to adopt rules specifying the types of data a payor is required to provide; specifying the schedule, frequency, and manner in which a payor must provide the data; and establishing oversight and enforcement mechanisms to ensure that payors submit data to the database.

TDI is seeking comments from the public on the informal draft rule, and specifically invites feedback on the topics below.

1. Under §21.5401, TDI proposes clarifying the types of health plans for which data must be reported. TDI seeks comments on the applicability of HB 2090's APCD requirements to:
  - a. plans offered by risk pools created under Chapter 172 of the Local Government Code;
  - b. county employee health benefit plans established under Chapter 157 of the Local Government Code;
  - c. Medicare Advantage plans;
  - d. Medicare Part D plans; and
  - e. Medicare Supplement plans.
2. Under §21.5403 and §21.5404, TDI proposes specifying the types of data to be reported, consistent with the APCD Common Data Layout and the submission

guide that will be published by UTHSC and available at the time the rule is formally proposed. TDI seeks comments on:

- a. which CDL data fields should be optional vs. required; and
  - b. APCD rules in other states that reflect an appropriate level of flexibility for issuers with respect to required data fields.
3. Under §21.5404(i), TDI specifies requirements for including a member's social security number or an alternative unique member ID. TDI seeks comments on best practices for enabling individual member records to be linked within the APCD, while ensuring sensitive personal information is protected.
4. Under §21.5405, UTHSC will begin collecting data on a quarterly basis once the APCD infrastructure is in place. TDI seeks comment on:
  - a. the amount of time payors will need to implement the reporting requirements following adoption of the rule;
  - b. the appropriate amount of time (such as 30 or 90 days) between the end of each reporting period and the quarterly reporting deadline; and
  - c. the requirement to report historical data dating back to January 1, 2019, to enable analyses that reflect the time before and after the Covid-19 pandemic.
5. TDI recognizes that the new reporting requirements may be challenging for smaller payors. TDI seeks comments on:
  - a. TDI's authority to phase in reporting based on the number of covered lives subject to reporting, or to provide an exemption based on a minimum threshold for reporting;
  - b. the appropriate thresholds, based on the number of covered lives in health plans that are subject to reporting, to qualify for a phased-in reporting schedule or exemption; and
  - c. the amount of time that smaller payors may need to implement the reporting requirements.

The comment period for this informal working draft will close at 5 p.m., Central time, on December 12, 2021. Submit comments to Dylan MacInerney in the Life and Health Division at [LHLcomments@tdi.texas.gov](mailto:LHLcomments@tdi.texas.gov). If you have any questions or need more information about this informal working draft, you may call Dylan MacInerney at 512-676-6590.

[Continue to the informal draft of the All-Payor Claims Database Rule.](#)